

## REMARKS

In the Office Action the Examiner noted that claims 14-26 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 14 and 25 have been amended. No new matter has been presented. Thus, claims 14-26 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

### Claim Rejections Under 35 USC §103

In item II on pages 3-6 of the Office Action the Examiner rejected claims 14-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,738,625, issued to Oom et al. (hereinafter referred to as "Oom") in view of U.S. Patent No. 6,912,390, issued to Andersson et al. (hereinafter referred to as "Andersson"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As discussed in the previous Amendments, Oom does not disclose or suggest a first device of a first hierarchy administering physical resources for a data transmission to user equipment, and providing a connection interface to the user equipment. Rather, Oom apparently discloses that the base stations 110 provide a radio connection with the user equipment 120, and the RNCs 115 administer the resources (Figure 2).

The Examiner acknowledged in the current action that Oom does not disclose the features discussed above. However, the Examiner alleged that Andersson discloses administering physical resources for a data transmission to user equipment by a first device at a first hierarchy within the hierarchical network architecture, with the first device providing a physical connection interface to the user equipment (citing Column 15, Lines 12-29, and Column 24, Lines 6-33). The Examiner alleged that the first radio network control node serves as a serving radio network control (SRNC) node, and the second radio network control serves as a drift radio network control (DRNC) node for the radio connection with the user equipment unit (citing Column 5, Lines 11-24 of Andersson).

The Applicants note that the Examiner has repeated the rejections from the previous Office Action, but has changed the cited basis in Andersson from 9, Line 66 through Column 10, Line 7 to Column 15, Lines 12-29, and Column 24, Lines 6-33. The Examiner alleged that the newly cited portions of Andersson disclose the physical connection interface discussed in the previous Amendment. However, the Applicants respectfully submit that the newly cited portions

of Andersson, as well apparently as the remainder of the disclosure, merely disclose that a physical layer may comprise a network of switches and cables for connecting devices such as mobile or stationary telephones. Above this physical layer, a connection layer and a call layer are realized for specific purposes such as connection and service handling. Andersson also discloses physical, connection, and call layers arranged between a SRNC, DRNC, and a base station (Column 24, Lines 6-33, and Figure 9).

The Applicants respectfully submit that these portions of Andersson do not disclose any physical layer between RNC or a base station and a user device. Further, while there is a physical layer connecting all components of a network, each physical connection has to be regarded separately. For example, a physical layer between the RNC and the base station may be realized by an Ethernet cable, while in a radio communication network the physical layer between the base station and the user equipment is realized by means of a radio interface. A physical connection interface using radio resources between the RNC and the user equipment, as alleged by the Examiner, is not disclosed or suggested by Andersson.

Therefore, the Applicants respectfully submit that neither of the cited references disclose the features of claim 14 of the present application. However, in order to more clearly recite the features of these claims, claims 14 and 25 have been amended to recite the physical radio connection by the first device (in claim 14, or low level device in claim 25) to the user equipment. Thus, the Applicants respectfully submit that claims 14 and 25 patentably distinguish over the cited references.

Claims 15-24 depend from claim 14, and claim 26 depend from claim 25. These dependent claims include all of the features of the respective claims upon which they depend, plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 15-24 and 26 also patentably distinguish over the cited references.

On pages 6-7 of the Office Action the Examiner rejected claims 24 and 26 under 35 U.S.C. §103(a) as being unpatentable over Oom and Andersson in view of U.S. Patent Application Publication No. 2002/0193118, issued to Jain et al. (hereinafter referred to as "Jain"). The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

As discussed previously in this Amendment, independent claims 14 and 25 patentably distinguish over Oom and Andersson. Further, as Jain apparently merely discloses controlling a transmission of data packets in a packet data transmission system, Jain does not cure the deficiencies of Oom and Andersson in relation to claims 14 and 25. Thus, as claims 24 and 26

depend respectively from claims 14 and 25, and include all of the features of those respective claims plus additional features which are not disclosed or suggested in the cited references; it is respectfully submitted that claims 24 and 26 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claims 14 and 25 have been amended. No new matter has been presented. Thus, claims 14-26 remain pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

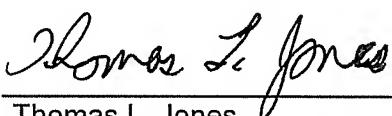
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 23, 2008

By:   
Thomas L. Jones  
Registration No. 53,908

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501